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Government
Publications

52nd Annual Report

of

THE ONTARIO MUNICIPAL BOARD

Year Ending

December 31st, 1957.

PRESENTED TO THE LEGISLATIVE ASSEMBLY

BY COMMAND

re: 52nd Annual Report

Dear Sir:

I have the honour to send you herewith the 52nd Annual Report of The Ontario Municipal Board covering the year ending on December 31, 1957.

Yours obedient servant,

(sgd).) L. R. CUMMING
Chairman

The Honourable W. K. Warrender, Q.C.,
Minister of Municipal Affairs,
Parliament Buildings,
Toronto.

FIFTY-SECOND ANNUAL REPORT

OF

THE ONTARIO MUNICIPAL BOARD

For the Year 1957.

PART I

MEMBERSHIP AND ORGANIZATION

During the period covered by this report the Membership and Organization of the Board was as follows:

L. R. CUMMING, M.A., Q.C., (Appointed February 15, 1950)	Chairman
J. A. KENNEDY, Q.C., (Appointed October 1, 1956)	Vice-Chairman
R. C. ROWLAND, (Appointed June 10, 1947)	Vice-Chairman
C. W. YATES, Q.C., (Appointed August 15, 1951)	Vice-Chairman
R. L. KENNEDY, (Appointed February 15, 1951)	Member
C. F. NUNN, (Appointed July 1, 1952)	Member
W. GREENWOOD, B.Sc., (Appointed January 1, 1953)	Member
D. JAMIESON, (Appointed December 1, 1955)	Member
V. S. MILBURN, (Appointed April 1, 1956)	Member

....

O. R. CHAPMAN, B. A., (Appointed March 1, 1955)	Secretary

....

On December 31st, 1957, in addition to the Members listed above and the Secretary, the Board's Staff consisted of thirty-four persons. All Members and staff are full-time employees and the Board's offices during the year were located in the Ontario Government Building at 145 Queen Street West, Toronto.

PART II

APPLICATIONS TO THE BOARD

The organization of The Ontario Municipal Board is provided for in The Ontario Municipal Board Act, (R.S.O. 1950, Chapter 262), as amended. The Board was first constituted as The Ontario Railway and Municipal Board by The Ontario Railway and Municipal Board Act, 1906. In addition to the general powers conferred upon this Board by The Ontario Municipal Board Act, jurisdiction covering a great variety of other matters of an administrative nature is to be found in numerous general and special acts passed since the Board was first constituted and which are now in force. Reference to new legislation passed during the year 1957 affecting matters over which this Board has jurisdiction will be found in Part III of this report.

The following table gives a summary of the number of applications received, orders issued, and days required for public hearings during the year 1957 with comparative totals for the previous year:

	1957		1956	
Number of Applications:				
Capital expenditures	1,970		2,130	
Miscellaneous	1,240	3,210	1,424	3,554
Number of Orders issued:				
Capital expenditures	4,138		4,324	
Miscellaneous	935	5,073	1,008	5,332
Days of Public Hearings:				
Annexations & Amalgamations	51		39	
Arbitrations	153		208	
Assessment Appeals	123		115	
Capital Expenditures	290		308	
Incorporations & erections	6		4	
Restricted Area by-laws, including references and appeals under The Planning Act	828		759	
Miscellaneous	10	1,461	10	1,375

It will be observed that there has been a decrease from the previous year in the number of applications and in the number of orders issued. On the other hand, a reference to Schedule "A" will

disclose that there has been a very substantial increase in the total amount of municipal capital expenditures approved. This is explained in part by the fact that many of the projects undertaken are larger and also by the fact that more and more municipalities are adopting the practice of including various works in one application. The amount of work entailed for this Board and for its staff is measured always by the size of the project and by the number of works, so that the actual volume of business to be done annually is steadily increasing. Another cause of much increased work appears to be in increase in the number of applications which require exhaustive inquiries and the adjudication of contentious issues. Thus it will be observed that there is a further increase in the number of days of public hearings for the year 1957 over the previous year.

It is always desirable to keep in mind in reviewing the Board's work that the Board does not initiate any investigations or inquiries or exercise any other powers on its own motion. In the administration carried out by this Board, a major part of its duties and functions is concerned with applications made, under the authority of the various provincial statutes referred to above, for the approval or consent of the Board which is required before actions of elected municipal councils or of local boards can come into force or before various powers of such councils or boards can be exercised. In addition to the control of these phases of local municipal administration, the Board exercises other powers of adjudication within its own jurisdiction involving changes in the boundaries of local municipalities, arbitrations as to the amount of compensation to be paid owners of land expropriated, assessment appeals, and a variety of similar matters.

The basic general duty devolving upon the Board in

respect of these matters is to decide first that the applicable legislation as interpreted by the courts gives the Board jurisdiction to receive and dispose of the particular application before it. If such examination shows that the legislature has not effectively granted such jurisdiction, then the Board cannot proceed further with the application. When the Board decides that it has jurisdiction, if the application is made on behalf of a municipality or a local board, this Board must be satisfied further that the local body has authority to undertake the proposed work or project or to pass the by-law which is the subject of the application. Where it is necessary to do so the Board also determines that the local corporation has complied with all statutory requirements and conditions imposed by the legislature. The Board must decide also in the case of each application whether a public hearing is required. If it appears that any interests other than those adequately represented by the applicant might be prejudiced or even directly affected by the application, then persons having such an interest are given an opportunity to be heard before a decision is made by the Board. The function of the Board in these cases is to determine what is for the greatest common good and whether discretionary powers given local bodies by law have been properly and fairly exercised.

As circumstances develop and change from year to year it is quite natural that amendments, sometimes far-reaching, are made to the various statutes upon which the Board relies for its jurisdiction. Many of these new amendments present new questions of interpretation to be decided, subject, of course, to the statutory right of appeal to The Court of Appeal on all questions of interpretation of statutes or other questions of law. The Board does occasionally bring to the attention of the Department of Municipal Affairs practical difficulties either which are

found by the Board or which are found by municipal administrations and come to the attention of the Board in connection with applications made. The Board's real function and duties as an administrative tribunal are exercised independently on its own responsibility and solely on the basis of the information and material properly placed before it in support of or in opposition to each application.

MUNICIPAL CAPITAL EXPENDITURES

The function of the Board, which is perhaps of first importance, is the requirement contained in Section 67 of The Ontario Municipal Board Act, which provides in subsection 1 as follows:

> "(1) Notwithstanding the provisions of any general or special Act, a municipality shall not,
>
> (a) authorize; or
>
> (b) exercise any of its powers to proceed with; or
>
> (c) provide any moneys for,
>
> any undertaking, work, project, scheme, act, matter or thing, the cost or any portion of the cost of which is to be,
>
> (d) raised in a subsequent year or years; or
>
> (e) provided by the issue of debentures,
>
> until the approval of the Board has first been obtained."

A proper exercise of the Board's responsibility under this section requires careful consideration of the need for sound municipal financing. Progress of necessity creates additional debt, but unless debt is kept within the ability of the people to pay, then the benefit from such progress is seriously undermined. Unless properly limited municipal debt will almost certainly become an undue burden and could lead ultimately to the hardships which result from municipal insolvency. During the past few years there has been a substantial growth in most urban and suburban centres in this Province, requiring extensive and very costly municipal public works and improvements. Among these the providing of new school accommodation has been one of the greatest problems.

During the year 1957, on the other hand, many municipalities encountered real difficulty in selling their debentures in the open market. In a number of instances those with weaker credit found it impossible to do so. From the number of debenture issues purchased by The Ontario Municipal Improvement Corporation in cases covered by the statute governing that corporation, it appears that if these municipalities and boards had been unable to borrow from such a lending agency, a great many communities in the Province would have been deprived of many essential services, including new classrooms.

At the same time however this situation points up the great importance of the responsibility placed upon this Board with respect to the approval of capital expenditures. Municipalities which are in a sound financial position find it easier to borrow, especially in times of "tight money" and can usually borrow at a more advantageous rate of interest. It is clear, therefore, that anything this Board may do to keep a municipality in a strong credit position will make it easier for the council or local board to perform its duty in providing any capital improvement that may be required.

A new policy adopted by this Board in the latter part of 1956 requiring satisfactory evidence that specific arrangements had been made for temporary or long term financing before making orders of approval of projects was continued during the year 1957 without any apparent inconvenience to any of those concerned. On the other hand it was of course completely effective in preventing the undertaking of works which could not be completed and in preventing also any attempt to provide temporary capital financing from current revenue, an unsound practice that can easily lead to serious consequences.

As in previous years the Board has prepared a detailed classification of the number of municipal capital expenditures approved during the year 1957 and this will be found in Schedule "A". The following table shows the number of new applications received and the total amount approved in each of the past three years;

Year	Number	Amount
1955	2,541	$215,678.123.75
1956	2,130	$245,693,370.27
1957	3,210	$258,634.295.33

Under Section 61 of The Ontario Municipal Board Act a municipality, if it so desires, may apply to the Board for an order approving a debenture by-law and subsequently for a certificate of the validity of each of the debentures issued thereunder. A great number of municipalities avail themselves of this opportunity as the legislation provides that when the by-law has been so approved and the debentures certified in accordance with the statute, the by-law and every debenture issued thereunder shall, for all purposes, be valid and binding and their validity shall not be contested or questioned in any manner. The total amount of municipal debentures certified by the board under this legislation during the year was $71,835,425.95.

THE ONTARIO WATER RESOURCES COMMISSION

Under The Ontario Water Resources Commission Act, 1957 a municipality may enter into an agreement with the Commission for the construction and operation of waterworks or sewage works. The cost of construction and maintenance, including interest and debt charges and reserves for renewals, replacements and contingencies, is required to be repaid by the municipality annually during the currency of the agreement in the manner provided in the Act, and the agreement remains in force until all the obligations of the municipality to the Commission have been discharged. As such agreements create a debt which is to be retired in a future year or years the approval of the Board is required under Section 67 of The Ontario Municipal Board Act, and if it is intended that the annual payments to the Commission are to be raised in whole or in part by special rates of any kind the Board must also approve the special rating scheme

before the work is undertaken. Each application for approval of a proposed agreement is submitted to the Board by the Commission on behalf of the municipality or municipalities, and the Board must necessarily determine in the first instance whether the proposed additional debt is within the financial capacity of the municipality. The information and material required and the basis of the Board's decision is, in effect, the same as if the municipality were undertaking the project and financing it through the issue of its own debentures. If the Board considers that the project will not unduly increase the debt of the municipality it then considers any questions arising from the proposed special rates in respect of which jurisdiction has been given by the legislature.

During the year 1957, the Board granted final approval of nine projects to be undertaken by the Commission at an estimated cost of $2,639,130. In addition it granted preliminary approval of eight projects estimated to cost $4,701,280. Final approval of these projects will be granted if after completion of the final plans and specifications and receipt of tenders it is shown that the work can be built at a cost not exceeding the amount of the original estimate plus an additional 10%. As each of the projects approved is in effect undertaken by the Commission as agent for the municipalities concerned, the projects approved are not shown separately in the detailed statement of capital expenditures annexed to this report.

INCORPORATIONS, ERECTIONS AND DISSOLUTIONS

During the year the Board ordered the incorporation of one township, one town and three improvement districts. During the same period one police village was dissolved at the request of the trustees. As details of these changes are included in the annual report of the Department of Municipal Affairs it is not considered necessary that they should be repeated in this report.

ANNEXATIONS

Applications for extension of municipal boundaries by way of annexation continued to require a considerable portion of the Board's time and accounted for many days of public hearings. The Board's records show that during the year 25 written decisions were issued in respect of the applications made during the year or previously. In 19 cases the applications applied for were granted either wholly or in part and 6 applications were dismissed for reasons set forth in the various decisions. Two petitions of objection were filed with the Clerk of the Executive Council in accordance with the legislation and in each case the Lieutenant-Governor in Council subsequently confirmed the decision of the Board. Among the major decisions which were the subject of extensive public hearings during the year were those enlarging the Cities of Kitchener and Waterloo, the Towns of Brockville, Burlington and Campbellford and the Villages of Aurora and Bancroft. A complete list of the applications disposed of in the year will be found at the conclusion of this section of the report.

ARBITRATIONS

During the year 1957 the Board dealt with forty-nine cases brought before it for the determination of compensation or damages to be allowed for lands taken or injuriously affected by provincial or municipal authorities in the exercise of their statutory powers. A number of these claims were for very substantial sums and in all, 153 days were consumed in the public hearings.

In addition there were twelve applications to the Board under The Municipal Drainage Act and three appeals from arbitration authorities apportioning capital and current costs in High School Districts under The Secondary Schools and Boards of Education Act, 1954. The statutory

jurisdiction invoked in these applications is under one of the following statutes:

The Conservation Authorities Act

The Highway Improvement Act

The Municipal Act

The Municipal Drainage Act

The Power Commission Act

The Public Works Act

The Secondary Schools and Boards of Education Act

The St. Lawrence Development Act, 1952 (No. 2)

ASSESSMENT APPEALS

In the year 1957 a total of 146 assessment appeals were filed with the Board under the various appeal sections of The Assessment Act. Of these 104 were decided during the course of the year and in addition twelve which had been filed in the previous year were dealt with by the Board during the year 1957.

One very important question arising in connection with these assessment appeals is that of the jurisdiction of this Board as an administrative tribunal to hear and determine questions which may decide liability for taxation. It has been held by the courts in a series of cases that where the sole question or even the main question is whether the person or the property concerned is liable to or exempt from taxation, then this question is one that can only be decided by the courts and not by an administrative tribunal such as this Board. As the result of a recent judgment in the Ontario Court of Appeal, the procedure now followed by this Board in these cases is to determine first whether the Board has jurisdiction to hear the appeal. If the Board decides that it has jurisdiction then the hearing proceeds in the regular way. If the Board decides that it has not jurisdiction, then it declines to hear the appeal.

THE PLANNING ACT 1955

There are three distinct types of jurisdiction conferred upon this Board by The Planning Act. The first is by way of giving an appeal to the Board from the decision of a local Committee of Adjustment under Section 18 of the Act. During the year 1957 there were eighty-nine such appeals to the Board.

Another jurisdiction conferred on the Board by The Planning Act is by way of a reference to the Board for approval of a proposed amendment to the Official Plan of any municipality or other planning area.

The third jurisdiction conferred by that Act on this Board is the reference to this Board which may be made by the Minister of Planning and Development on his own motion or at the request of any person interested for approval of a proposed plan of subdivision. In all of these cases of course the Board directs notice of the hearing to all interested parties and the decision of the Board is rendered according to the facts and circumstances as they are made to appear at the hearing.

To clarify the issues and ensure for all those concerned an opportunity for adequate preparation, in the case of applications for approval of plans of subdivision the Board has established a procedure whereby those who will take part in the hearing are required to state in advance the grounds upon which they rely in support of or in opposition to the application. These statements are filed with the Board and delivered to opposite parties. In some cases it has been found that this clear definition of the issues in advance has brought about a settlement among those interested and in every case it has made for a clearer understanding by each side of the submission to be made by the opposite party.

RESTRICTED AREA BY-LAWS

By far the largest number of hearings which the Board must hold are those required in the exercise of its jurisdiction under Section 390 of The Municipal Act, requiring approval of local zoning by-laws and giving to the Board jurisdiction in certain other matters with respect thereto. The number of these applications for approval of local zoning by-laws filed during the year with comparative figures for previous years is as follows:

Year	Restricted Area By-laws (New)	Restricted Area By-laws Amending or Repealing	Total
1953	184	335	519
1954	169	419	588
1955	183	465	648
1956	146	641	787
1957	130	544	674

In addition to the above there were forty-five appeals to the Board from the refusal or neglect of local councils to pass local zoning by-laws and 161 of such appeals instituted in earlier years were disposed of by the Board during the year 1957.

In all these cases a public hearing is required to be held in the municipality concerned. The Board gives directions as to the service or publication of notice of the hearings in such a manner as to ensure that the hearing and the subject matter thereof shall be brought to the attention of the persons interested. At these hearings not only is a case in support of the by-law required to be made out by those supporting the application, but individual and general objections are heard and considered in detail. Many of the issues are highly controversial and the hearing of a major application may extend over several days.

A system of close co-operation with the Department of Planning and Development has been evolved for the purpose of preventing

any conflict between such by-laws and existing Official Plans and also for the purpose of making available to the Board the benefit of the knowledge and research of that Department, so helpful in zoning and planning matters. Some of the applications made to the Board during the year 1957 had to do with the revision and consolidation of earlier by-laws adopted by councils in the earliest days of planning and now brought more into line with existing requirements and revised in the light of the experience gained from actual administration. Obviously these by-laws are not static and must be amended and revised to keep pace with changing conditions and normal growth.

ANNEXATIONS DECISIONS - 1957

Date of Decision	Applicant	From	Effective Date	Acreage	File No.
January 23, 1957	Campbellford	Twp. Seymour	January 1, 1957	136.3	M-5173
January 24, 1957	Simcoe	Twp. Townsend	February 1, 1957	36.46	M-5521
January 24, 1957	Simcoe	Twp. Woodhouse	February 1, 1957	21.5	M-5522
January 29, 1957	Burlington	Twp. Nelson Twp. East Flamborough	January 1, 1958	19,000	M-5301 M-5302
February 13, 1957	Brockville	Twp. Elizabethtown	April 1, 1957	6,350	M. 5096
February 25, 1957	Tp. Dowling	Imp. Dist. of Onaping	Dismissed	20,000	M-4305
March 4, 1957	Sutton	Twp. Georgina	April 1, 1957	1.99	M-5650
March 20, 1957	Bancroft	Twp. Dungannon	May 1, 1957	350	M-5588
April 8, 1957	Trenton	Twp. Murray	May 15, 1957	4	M-5725
April 10, 1957	Oakville	Twp. Trafalgar	June 1, 1957	13.652	M-5764
May 6, 1957	Bridgeport	Twp. Waterloo	January 1, 1958	30.063	M-5839
May 9, 1957	Brampton	Twp. Chinguacousy	July 1, 1957	4.261	M-5651
May 15, 1957	Twp. Balfour	Unorg. Twps. Morgan & Creighton	Dismissed	7,458. 7,517.	M-5145
May 15, 1957	Sudbury	Twp. McKim	June 30, 1957	3.94	M-5910
May 24, 1957	Waterloo	Twp. Waterloo	January 1, 1958	530.375	M-5837
June 20, 1957	Twp. Neelon & Garson	Twp. Falconbridge	Dismissed	11,373.	M-3861
June 21, 1957	Ridgetown	Twp. Howard	January 1, 1958	43.9	M-5405
July 5, 1957	Kitchener	Twp. Waterloo	Janaury 1, 1958	3,770.	M-4756
August 9, 1957	Aurora	Twp. King	October 1, 1957	315.5	M-6111
August 12, 1957	Sudbury	Twp. McKim	October 1, 1957	91.66	M-5947
August 16, 1957	Streetsville	Twp. Toronto	Dismissed	1,550.	M-3615
September 26, 1957	Fort Erie	Twp. Bertie	November 1, 1957	9.5	M-6405
October 23, 1957	Twp. Hanmer	Twp. Capreol	Dismissed		M-5934

Annexations - continued

SCHEDULE "A"

CLASSIFICATION OF MUNICIPAL CAPITAL EXPENDITURES

APPROVED DURING 1957

SHOWING COMPARATIVE FIGURES FOR 1956

I MUNICIPAL

	Amount approved		Totals	
1) General Government:	1957	1956	1957	1956
Civic Buildings	$7,566,451.00	$9,922,853.00	$7,566,451.00	$9,922,853
2) Protection to Persons & Property				
Fire	1,287,747.15	1,513,743.99		
Police	145,573.91	302,240.00		
(Court Houses				
(Registry Offices				
(Jails	302,849.00	4,955,000.00		
(Corrective Institutions				
Street Lighting	126,548.65	52,480.12	1,862,718.71	6,823,464.11
) Public Works				
a Streets, Roads, Lanes	23,020,872.90	43,555,201.96		
Expressways	47,000,000.00			
Acquisition of lands for expressways	8,885,680.00			
Sidewalks	4,255,395.48	5,013,720.25		
Bridges	1,254,746.00	1,435,004.50		
Tunnels, Subways	358,440.88	746,000.00		
Road Machinery	866,924.15	1,143,596.10		
Workshops & Yards	230,000.00	7,500.00	85,872,059.41	51,901,022.81
b Watermains	22,526,993.75	21,403,921.75		
Storm Sewers & drains	16,198,000.57	12,402,240.06		
Conservation	536,330.00	28,500.00		
Shore Protection	40,000.00	177,400.00	39,301,324.32	34,012,061.81
) Sanitation & Waste Removal				
Sanitary sewers	25,998,517.05	27,953,122.32		
Sewage Treatment	8,237,725.96	7,117,755.88		
Garbage	105,000.00	463,952.96		
Waste Collection & disposal	58,000.00	227,458.00		
Street Flushing	9,047.57		34,408,290.53	35,762,289.16
) Health				
Health Offices				
Clinics	23,000.00			
Laboratories				
Hospitals	6,661,301.00	5,173,300.00	6,684,301.00	5,173,300.00

SCHEDULE "A" - continued

	Amount Approved 1957	Amount Approved 1956	Totals 1957	Totals 1956
Local Welfare				
Welfare Offices	3,496,378.00			
Home for Aged	1,700,000.00	3,966,467.19		
Other Institutions	1,250,100.00		6,446,478.00	3,966,467.19
Recreation Services				
Amusements parks & playgrounds	1,340,700.00	882,000.00		
Golf Courses	50,000.00	55,000.00		
Arenas & Rinks	360,000.00	655,493.00		
Swimming pools, beaches & baths	639,977.00	361,610.00		
Community Centres	363,000.00	863,200.00	2,753,677.00	2,817,303.00
Community Services				
Art Galleries, exhibitions & Fairs	100,000.00			
Libraries	248,500.00	356,661.16		
Markets, Museums		5,000.00		
Housing	676,000.00	42,000.00	1,024,500.00	403,661.16
II EDUCATION				
Elementary Schools	31,115,297.97	35,359,433.29		
High Schools	23,770,814.34	24,104,740.45	54,886,112.31	59,464,173.74
III MUNICIPAL ENTERPRISE				
Electric	5,934,255.02	12,538,602.50		
Water Area	4,842 ,203.60	8,426,179.01		
Transportation	480,000.00	105,200.00		
Telephone	271,721.50	828,000.00		
Acquisition of lands	4,340,775.10	11,220,275.00		
Brushing lands		128,000.00		
Other (includes parking lots)	1,959,427.78	2,200,517.78	17,828,383.00	35,446,774.29

MARY -

	1957	1956
General Government	$185,919,800.02	$150,782,422.24
Education	54,886,112.31	59,464,173.74
Municipal Enterprises	17,828,383.00	35,446,774.29
	$258,634,295.33	$245,693,370.27

CAPITAL EXPENDITURES - 1957

SEPARATE STATEMENT OF LOCAL DEBT AND GENERAL DEBT

	Local Debt	General Debt	Total
General Government (1 & 2)		7,566,451.00 1,862,718.71	9,429,169.71
Public Works	33,905,022.78	91,268,360.95	125,173,383.73
Sanitation	11,769,341.17	22,638,949.41	34,408,290.58
Health		6,684,301.00	6,684,301.00
Local Welfare		6,446,478.00	6,446,478.00
Recreation Services		2,753,677.00	2,753,677.00
Community Services		1,024,500.00	1,024,500.00
Education		54,886,112.31	54,886,112.31
Electric Light		5,934,255.02	5,934,255.02
Water Area		4,842,203.60	4,842,203.60
Transportation		480,000.00	480,000.00
Telephone		271,721.50	271,721.50
Acquisition of lands		4,340,775.10	4,340,775.10
Other - (includes parking lots)		1,959,427.78	1,959,427.78
	$45,674,363.95	$212,959,931.38	$258,634,295.33

Date of Decision	Applicant	from	Effective Date	Acreage	File No.
November 18, 1957	Smiths Falls	South Elmsley	January 1, 1958	65	M-6475
November 19, 1957	Matheson	Twp. Black River	January 1, 1958	140	M-6196
December 30, 1957	Galt	Twp.Waterloo	Dismissed	647	M-5767

PART III

1957 LEGISLATION AFFECTING THE JURISDICTION OF THE ONTARIO MUNICIPAL BOARD

1. The Assessment Amendment Act, 1957 (O.S.1957, c.2)
(Effective April 3, 1957)

By Section 15 of this Act Section 97 of The Assessment Act is amended by the addition of a new subsection 17a requiring an equalization report whether made by the district assessor or by the Department of Municipal Affairs to specify the time within which an appeal may be made to the Ontario Municipal Board, which by the existing legislation is within 30 days after the mailing of the equalization report.

2. The Municipal Amendment Act, 1957 (No.2) (O.S.1957, C.76)
Effective April 3, 1957)

Section 14 of The MunicipalAct is amended by the addition of a new subsection 10a providing that the Board shall not determine the amount of any compensating grants following an annexation or amalgamation until after the expiration of one complete fiscal year following the date of the annexation or amalgamation.

Subsection 17 of the said Section 14 dealing with the withdrawal of an objection to an order granting annexation or amalgamation,is amended to provide that notwithstanding the written withdrawal of one-third or more of the original objectors, the objection cannot be withdrawn if the remaining objectors constitute not more than 10% of the persons entitled to sign the objection.

Subsection 1 of Section 15 of The Municipal Act authorizing the Board, on the application of a municipality, to alter, enlarge, reduce, amalgamate or dissolve local improvement and other types of areas, is amended to permit the Board on such an application to divide any such area or areas into new areas.

Subsection 2 of Section 300 of The Municipal Act is amended by adding to the list of specific undertakings which are not to be deemed the incurring of a debt for which payment is not provided in the current estimates. The combined effect of this amendment and a corresponding amendment of Section 67 of The Ontario Municipal Board Act is to permit municipalities to undertake the matters specified without obtaining the approval of the Ontario Municipal Board except where the cost is to be provided by the issue of debentures.

Subsection 1 of Section 301 of The Municipal Act is amended so as to remove the present limit of twenty years in municipal contracts for the supply of a public utility or the renewal of such contracts and to provide that the maximum period shall be such that the Municipal Board may approve. This amendment has made it possible for the municipalities, with the approval of the Board, to enter into agreements with the Ontario Water Resources Commission which are usually for a thirty-year period.

Section 359 of The Municipal Act is amended so as to make the rights of appeal from an arbitration decision of the Board correspond with the rights of appeal from a county judge and official arbitrator.

The Municipal Amendment Act, 1957 (No. 2) - Cont.

-2-

Paragraph 1 of Section 386 of The Municipal Act is amended so as to delete the former provision by which the Board could fix the terms of an agreement between municipalities respecting the use of fire fighting equipment.

3. The Local Improvement Amendment Act, 1957 (O.S. 1957, C.64) (Effective April 3, 1957)

Subsection 1 of Section 8 of The Local Improvement Act is amended to authorize the widening of a pavement as a local improvement on a two-thirds vote of the council and with the approval of the Board.

Subsection 3 of Section 29 is amended by deleting the requirement that the Board must approve exemptions from or reduction of special assessments chargeable with respect to the opening, widening, extension, grading and paving of lanes.

Section 48 is amended by adding a new subsection 4 providing for an appeal to the Board from a decision of a county judge in respect of a special assessment for local improvement works.

4. The Ontario Municipal Board Amendment Act, 1957 (O.S.1957, C.86) (Effective April 3, 1957)

Section 14 of the Act is re-enacted to provide that the Chairman may authorize one member to conduct a hearing and to report to the Board, and that such report may be adopted as the order of the Board by two other members, one of whom must be the Chairman or Vice-Chairman. A corresponding amendment is made in Section 11 of the Act.

By Section 6 of the amending Act former orders or purported orders of the Board made prior to January 1st, 1957 following hearings before a single member are validated unless written objection thereto had been filed. In such cases unless the validity of the purported order had been decided by a court, the Board is required to hold a further hearing. No notice of objection under this legislation was received by the Board prior to the effective date of the amendment.

Subsection 2 of Section 61 of the Act is re-enacted so as to make it clear that the Board cannot approve a by-law or validate debentures if the validity thereof is being questioned in any pending litigation or if the by-law has been declared invalid by any court.

Subsection 2 of Section 64 of the Act is repealed, thereby removing any doubt as to the legal effect of the Board's approval of a by-law and the certification by the Board of the debentures issued thereunder, as provided by subsection 1 of the same section.

Section 67 of the Board's Act is amended by adding a new subsection 1a providing that the approval of the Board is not required in respect of the undertakings listed in Section 300(2) of The Municipal Act, except where the whole or part of the cost is to be provided by the issue of debentures.

5. The Secondary Schools and Boards of Education Amendment Act, 1957 (O.S.1957,C.111) (Effective April 3, 1957)

Clause b of Section 76 of the Act is amended to authorize agreements for the transportation of thirty pupils or more for a term up to five years, with the approval of The Ontario Municipal Board

PART IV

GENERAL

REVENUE

Section 102 of The Ontario Municipal Board Act provides for the payment of such fees as the Board may direct on every application made or order issued, regard being had to the time occupied by the Board and its officers and the expense occasioned to the Province. In compliance with this requirement the Board has adopted a tariff of fees payable on various types of applications and orders, a copy of which is available without charge, upon application to the Secretary.

The following table sets forth the fees received by the Board and transferred to the Treasurer of Ontario for the fiscal year ending March 31, 1957 and the preceding four years. In conformity with the present system of provincial accounting, this table is given for the fiscal year only, in contrast to other statistics contained in this report which are made for the calendar year ending December 31st, 1957.

Fiscal Year	Amount
1952-53	$170,694.04
1953-54	204,081.27
1954-55	244,674.90
1955-56	264,098.16
1956-57	293,321.49

As a matter of interest the revenues of the Board for the calendar year amounted to $271,564.90.

PUBLICATION OF ANNUAL REPORT

The printing and publication of the recent annual reports of the Board in accordance with the practise of former years has

been unavoidably delayed due to unexpected difficulties encountered in the editing and indexing of a considerable number of the Board's written decisions of general interest to municipal officials and solicitors. In the opinion of the Board, this should be made an important feature of the printed annual reports unless the service is undertaken as a private enterprise by some law publisher. In this connection it should be noted that the printing and free distribution of the Board's annual reports is not a statutory requirement.

All of which is respectfully submitted.

Dated at Toronto this 24th day of March, 1958.

L.R.CUMMING,
Chairman